

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SCHEDULING WORKSHOP ON DA LOAD GROWTH ISSUES**

A technical workshop is hereby scheduled for March 11, 2004, starting at 9:30 a.m., to provide an opportunity for parties to seek consensus concerning proposed changes in existing processes, procedures, and/or administrative measures that may be appropriate to deal with growth in Direct Access (DA) load in a manner consistent with the Commission's suspension rules. This workshop is scheduled in response to certain parties' comments filed on January 16, 2004, on the Revised Draft Decision (RDD) of ALJ Pulsifer regarding Petitions to Modify Decision (D.) 03-04-057 and D.02-03-055. The RDD denied the Petitions to Modify, but set forth alternative measures to address the issues raised by the Petitions with respect to DA load growth in conformance with the Commission's adopted rules implementing the suspension of DA effective September 21, 2001.

In comments on the RDD filed by parties, various objections were made to the measures set forth in the RDD. Certain parties proposed that the issues resolved in the RDD "should be addressed and discussed by interested parties in

a workshop setting where clear guidelines can be established that take the rights and interests of DA customers into account.”¹

The RDD was subsequently withdrawn from the Commission’s agenda to provide an opportunity for a workshop to be convened, as requested, to address parties’ concerns regarding the manner in which DA load growth should be handled consistent with the Commission’s DA suspension rules and taking into account the “rights and interests” of DA customers. As a basis for the workshop, parties should assume that the currently pending Petitions to Modify D.02-03-055 and D.03-04-057 shall not be granted, but that alternative measures may be considered to address parties’ concerns. To the extent workshop participants disagree or take issue with the resolution of issues reached in the RDD, they should indicate what alternative measures they propose to conform with the DA suspension rules in the context of DA load growth over time.

As a goal of the workshop, parties shall produce a statement of areas of consensus proposals, and, to the extent consensus is not reached, discrete summaries of disagreeing parties’ alternative proposals. The Energy Division shall produce a workshop report summarizing areas of agreement and disagreement, to be served and filed within five business days of the conclusion of the workshop. The results of the workshop will be taken into account into the Commission’s final disposition of the pending Petitions to Modify D.02-03-055 and D.03-04-057.

¹ *See* Comments of “Joint Parties” on the RDD, pp. 5-6, filed January 28, 2004. *See also* Comments of the University of California and California State University, p. 2, filed January 28, 2004.

IT IS RULED that:

1. A technical workshop is hereby scheduled for March 11, 2004, starting at 9:30 a.m. in the Commission's courtroom at 505 Van Ness Avenue, San Francisco, California, to seek a consensus proposal on how to maintain conformance to the Commission's DA suspension rules in the context of DA load growth.
2. Workshop participants shall produce a statement of areas of consensus proposals, and, to the extent consensus is not reached, discrete summaries of disagreeing parties' alternative proposals.
3. The Energy Division shall produce a workshop report summarizing areas of agreement and disagreement, to be served and filed within five business days of the conclusion of the workshop.
4. The results of the workshop will be taken into account into the Commission's final disposition of the pending Petitions to Modify D.02-03-055 and D.03-04-057.

Dated February 19, 2004, at San Francisco, California.

/s/ Thomas R. Pulsifer

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Scheduling Workshop on DA Load Growth Issues on all parties of record in this proceeding or their attorneys of record.

Dated February 19, 2004, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.